

DECISION



Wickopf 118651
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-207455

DATE: June 9, 1982

MATTER OF: K. J. Law Engineers, Inc.

DIGEST:

Protest that prime contractor acting for the Government inconsistently applied the relative weights of technical merit and price in evaluating proposals submitted under similar solicitations is dismissed as untimely where filed more than ten days after the protester learned the basis for protest.

K. J. Law Engineers, Inc. (Law) protests several contract awards by Mason Chamberlain Inc. (MCI), a prime contractor operating the Mississippi Army Ammunition Plant. Basically, Law alleges that MCI has not consistently interpreted the relative values of technical merit and price in evaluating proposals for automatic inspection equipment. We dismiss the protest as untimely filed.

The protester states that in response to MCI request for proposals (RFP) No. 0084, it submitted the highest technically ranked proposal and offered the second lowest price, but MCI rejected its proposal in favor of the lowest priced offer even though that offer was ranked fourth on technical merit. According to the protester, the RFP stated that technical rating had a value of 70 percent, price 30 percent. Consequently, Law decided to take a "bare bones" approach to two subsequent RFPs, Nos. 0098 and 0099, because it concluded that MCI's paramount consideration was price regardless of what was stated in the RFP. Law alleges that although its offered price was less than one half of the awardee's price, MCI rejected its offers for technical reasons.

Our Bid Protest Procedures require that a protest be filed within ten working days after the basis for protest is known or should have been known. 4 C.F.R. § 21.2(b)(2) (1981). The protester's submission indicates that on March 25, 1982, the protester learned

that MCI had made awards under RFP Nos. 0098 and 0099 to another offeror whose offers MCI considered technically superior, thus giving rise to the basis for protest. The protester, however, did not file its protest with this Office until May 11, more than ten working days after the basis for protest was known. Therefore, the protest is untimely and we will not consider its merits. See Minority Affairs Institute, B-203979, August 7, 1981, 81-2 CPD 110.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-207455

June 9, 1982

The Honorable William H. Brodhead
Member, U.S. House of Representatives
24261 Grand River Avenue
Detroit, Michigan 48219

Dear Mr. Brodhead:

We refer to your letter of May 14, 1982 concerning the protest of K. J. Law Engineers, Inc. against contract awards by Mason Chamberlain Inc., the operating contractor at the Mississippi Army Ammunition Plant.

Enclosed is a copy of our decision of today dismissing the protest as untimely.

Sincerely yours,

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

Enclosure